

REMARKS

Applicants respectfully request the Examiner's reconsideration of the present application. No claims have been cancelled. Claims 1, 6, 9, 14, 16-18 and 20 have been amended. New claims 22-61 have been added. Therefore, claims 1-61 are presented for examination.

Objections to the Specification

The Examiner has objected to the Abstract of the disclosure. Applicants respectfully submit that the Examiner's grammatical objections have been addressed by amendments made to the Abstract. The Examiner also objected to the phrase "having the animated icon proffer a tool icon," as being unclear. Applicants respectfully submit that "proffer" is used in the sense of presenting, which is a commonly accepted definition of the word. Applicants' use of "proffer" in this sense is further made clear by Applicants' Specification. Therefore, Applicants respectfully request the withdrawal of the objections.

Claim Objections

The Examiner has objected to claims 1, 6, 9, 14, 16 and 20 because of informalities. Applicants respectfully submit that the Examiner's objections have been addressed by amendments made to the claims. Therefore, Applicants respectfully request the withdrawal of the claim objections.

Rejections Under 35 U.S.C. §102

Gerlach, Jr. et al.

Claims 1-6, 9-14, and 16-21 stand rejected under 35 U.S.C. §102(e), as being anticipated by Gerlach, Jr. et al., U.S. Patent No. 6,484,189 B1 ("Gerlach"). Applicants reserve the right to swear behind Gerlach at a later date. Applicants respectfully submit, however, that the present claims are not anticipated by Gerlach.

Gerlach discloses a computer system for creating and presenting interactive multimedia presentations and coursework. Gerlach discloses that:

[A]n expression editor 280 is used to define variables and expressions used in a presentation. Variables are useful for storing values in either numerical or in alphabetical (string) form. Variables can then be used in expressions which may be assignment expressions or conditional expressions. (Gerlach, col. 8, ll. 37-43).

Gerlach also discloses an object editor which is used to create display objects for use in a presentation. (Gerlach, col. 8, ll. 17-19).

Independent claims 1, 9 and 16-18 include the limitation of determining a set of quality related problems. Applicants respectfully submit that Gerlach does not disclose this limitation. The Examiner has referenced column 8, lines 44-57 of Gerlach. However, Gerlach only discloses that the variable SCORE is assigned the value 100. (Gerlach, col. 8, ll. 44-57). Gerlach does not describe what the variable SCORE represents, or its relation, if any, to an image. Thus, determining a set of quality related problems is neither taught nor suggested by Gerlach.

Additionally, independent claims 1, 9 and 16-18 include the limitation of displaying an animated icon. Applicants respectfully submit that Gerlach does not disclose this limitation. The Examiner has referenced column 33, lines 34-41 of

Gerlach. However, Gerlach discloses that the object editor displays any objects associated with the screen icon. (Gerlach, col. 33, ll. 34-41). Gerlach describes the display objects as independent visual objects which the user can place on the display screen, and describes preferred display objects as "(1) rectangles, (2) polygons, (3) lines, (4) circles, (5) ellipses, (6) text, (7) brushes, and (8) data entry fields." (Gerlach, col. 8, ll. 17-25). Gerlach does not describe any of the display objects as being animated. An animated icon is neither taught nor suggested by Gerlach.

Furthermore, Gerlach discloses that an "animation icon 548 is used to play back an animation file which has been created in a conventional paint or animation software application." (Gerlach, col. 17, ll. 24-29). The "animation icon" disclosed by Gerlach is not an animated icon, as claimed, because the animation icon in Gerlach is not animated itself. Instead, the animation icon in Gerlach is used to access an animation file.

Accordingly, it is respectfully submitted that claims 1, 9 and 16-18 and claims 2-6, 10-14 and 19-21 that depend from them, are not anticipated by Gerlach. Therefore, Applicants respectfully request the withdrawal of the rejection of the claims under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. §103(a)

Gerlach in view of Herz

Claims 7, 8, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gerlach in view of Herz, et al., U.S. Patent No. 5,835,087 ("Herz").

Applicants respectfully submit that the present claims are patentable over the combination of Gerlach and Herz.

Claims 7 and 8 depend from claim 1, and claim 15 depends from claim 9. As discussed above, Gerlach does not teach or suggest each and every element of the invention as claimed in claims 1 and 9. Therefore, Herz must disclose the missing elements.

Herz discloses that:

When proxy server S2 transmits an advertisement, it sends a message to the advertiser, indicating that the advertisement has been transmitted to a user with a particular predicted level of interest...In return, the advertiser may transmit an electronic payment to proxy server S2; proxy server S2 retains a service fee for itself optionally forwards a service fee to information server S4, and the balance is forwarded to the user or used to credit the user's account on the proxy server. (Herz, col. 40, ll. 25-43).

Applicants respectfully submit that Herz does not teach or suggest the missing elements. Herz is directed to transmitting advertisements and electronic payments, and does not teach or suggest determining a set of quality related problems of an image. Therefore, the combination of Gerlach and Herz does not teach or suggest each and every limitation of claims 1 and 9.

Accordingly, Applicants respectfully submit that claims 7, 8 and 15 are not rendered obvious by the combination of Gerlach and Herz, and respectfully request the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

New Claims

New claims 22-61 have been added. Applicants respectfully submit that the new claims are allowable for at least the reasons set forth above for claims 1-21.

Conclusion

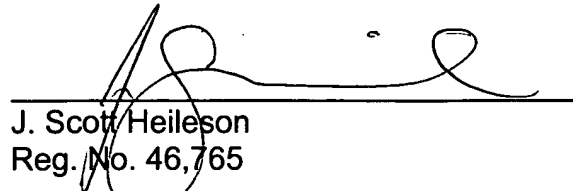
Applicants respectfully submit that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,
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